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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,235	08/13/2001	Stephen F. Gass	SDT 314	8810
27630	7590	08/25/2005	EXAMINER	
SD3, LLC 22409 S.W. NEWLAND ROAD WILSONVILLE, OR 97070			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 08/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/929,235

Applicant(s)

GASS ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 13-15, and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-4, 13-15 and 30-34 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-4 and 30-34, drawn to table saw including an arbor block supported by a frame, a rotatable arbor supported by arbor block, and a brake mounted to the arbor block to maintain an operative position relative to the blade as the position of the blade is adjusted, classified in class 83, subclass 471.3.
  - II. Claims 13 and 15, drawn to a woodworking machine including an electrically conductive cutter, a cutter adapted to be raised and lowered relative to a frame, and a brake system configured to raise and lower with the cutter, classified in class 83, subclass 473.
  - III. Claim 14, drawn to a woodworking machine including an electrically conductive cutter, a brake system adapted to engage and stop the cutter where the brake is triggered automatically when the detection system detects the dangerous condition, and the brake system that is configured to tilt with the cutter, classified in class 83, subclass 58.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The invention of Group I which includes an arbor block supported by a frame, a rotatable arbor supported by arbor block, and a brake mounted to the arbor block to maintain an operative position relative to the blade has a separate utility such as it could be used without the cutter adapted to be raised and lowered relative to a frame and

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the brake system configured to raise and lower with the cutter of the invention in Group II; conversely, the invention of Group II which includes a cutter adapted to be raised and lowered relative to a frame and a brake system configured to raise and lower with the cutter has a separate utility such as it could be used without the arbor block supported by a frame, the rotatable arbor supported by arbor block, and the brake mounted to the arbor block to maintain an operative position relative to the blade of the invention in Group I. See MPEP § 806.05(d).

3. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The invention of Group I which includes an arbor block supported by a frame, a rotatable arbor supported by arbor block, and a brake mounted to the arbor block to maintain an operative position relative to the blade has a separate utility such as it could be used without the brake system adapted to engage and stop the cutter where the brake is triggered automatically when the detection system detects the dangerous condition and the brake system that is configured to tilt with the cutter of the invention in Group III; conversely, the invention of Group III which includes the brake system adapted to engage and stop the cutter where the brake is triggered automatically when the detection system detects the dangerous condition and the brake system that is configured to tilt with the cutter has a separate utility such as it could be used without the arbor block supported by a frame, the rotatable arbor supported by arbor block, and the brake mounted to the arbor block to maintain an operative position relative to the blade of the invention in Group I. See MPEP § 806.05(d).

4. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The invention of Group II which includes a cutter adapted to be raised and lowered relative to a frame and a brake system configured to raise and lower with the cutter has a separate utility such as it could be used without the brake system adapted to engage and stop the cutter where the brake is triggered automatically when the detection system detects the dangerous condition and the brake system that is configured to tilt with the cutter of the invention in Group III; conversely, the invention of Group III which includes the brake system adapted to engage and stop the cutter where the brake is triggered automatically when the detection system detects the dangerous condition and the brake system that is configured to tilt with the cutter has a separate utility such as it could be used without the cutter adapted to be raised and lowered relative to a frame and the brake system configured to raise and lower with the cutter of the invention in Group II.

See MPEP § 806.05(d).

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their divergent subject matter, restriction for examination purpose as indicated is proper.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor or at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR. 1.143).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-4501.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700

GA/ga

August 19, 2005